



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUN 03 2019

The Honorable Rickey L. Armstrong, Sr.  
President, Seneca Nation of Indians  
90 Ohiyo Way  
Salamanca, New York 14779

Dear President Armstrong:

On April 17, 2019, the Department of the Interior (Department) received a January 7, 2019, Partial Final Award, an April 8, 2019, Final Award, and an April 12, 2019, Corrected Final Award (collectively, the "Arbitration Award") from the Seneca Nation of Indians (Nation) requesting review and approval as a compact amendment under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 - 2721. Unfortunately, we are returning the Arbitration Award due to the absence of accompanying documentation required by the Department's regulations, published at 25 C.F.R. Part 293, governing compact submission and review.

The IGRA, 25 U.S.C. § 2710 (d)(8)(C), gives the Secretary of the Interior 45 days to review and approve proposed compacts. In order to ensure that all compacts or amendments we receive have been "entered into" by both the Tribe and the State, Departmental regulations require that both an approved tribal resolution and a certification from the State that its representative was authorized to enter into the agreement be included with all submissions. 25 C.F.R. §§ 293.8 (b) and (c).

While the Nation has submitted a tribal resolution as required by 25 C.F.R. § 293.8 (b), the Nation's submission lacks a certification from the Governor or other State representative that he or she is authorized under State law to enter into the compact or amendment, as required by 25 C.F.R. § 293.8 (c). Therefore, we find that the Arbitration Award is not properly before us today. Accordingly, the 45-day review period provided by IGRA was not triggered on April 17, 2019, the date of receipt of the Arbitration Award by the Office of Indian Gaming.<sup>1</sup>

While we regret that we must return the proposed Arbitration Award, we look forward to receiving a new submission that includes a complete set of documents in compliance with the requirements of 25 C.F.R. Part 293.

Sincerely,

John Tahsuda  
Principal Deputy Assistant Secretary – Indian Affairs

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<sup>1</sup> The Nation believes the Arbitration Award effectively amended its Class III gaming compact with the State of New York that was approved by operation of law in 2002. See 67 Fed. Reg. 72968 (December 9, 2002). Since the submission did not comply with our regulations and was therefore never properly before us for review, we take no position on that question.